

# FREQUENTLY ASKED QUESTIONS

## O&C ACT OF 2013

### Timber Questions

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**Q: How much money does this mean for the 18 O&C counties? How does it compare to what they get now?**

A: Senator Wyden has said all along that logging alone, or this bill alone, won't solve all the problems of cash-strapped counties. What it will do is create jobs and provide a stable and predictable source of money for these counties.

The only way to match the current \$35 million of Secure Rural Schools funding would be to increase the harvest beyond acceptable levels – in the neighborhood of 700 to 800 million board feet. That is not going to happen.

The increase in funding will make it easier for Senator Wyden to pass a long-term replacement for Secure Rural Schools through Congress by reducing the cost to taxpayers and demonstrating that we aren't interested in simply bringing an end to jobs in the woods - as some accuse the program of doing. Right now, BLM receipts generate about \$9 million for O&C counties, which is why almost all of our counties have chosen to accept the higher level of Secure Rural Schools payments (\$35 million per year) instead of those receipts. When SRS payments are made the receipts help offset the expense to the federal budget.

But the federal government owes these communities, and other resource producing communities, too much to allow county payments to end. Senator Wyden extended the Secure Rural Schools program for this year. He will introduce companion legislation to this bill that will extend long term funding to the counties which currently receive PILT, SRS, and similar payments, ensuring that communities who produce energy, minerals, timber and other resources that benefit the entire country are fairly compensated for the local impacts of that work.

**Q: How much will this increase the timber harvest on O&C Lands? What will the cut be in board feet? What is it now and what will it be under the bill?**

A: This bill roughly doubles the harvest on O&C lands compared to the last 10 years. Right now, the average cut over the last 10 years on federal O&C lands is about 150 million board feet per year. In 2012, it was 167 million board feet. The BLM validated Dr. Norm Johnson's review of this bill and predicted it will result in 300-350 million board feet per year for the next 20 years.

If nothing is done, the harvest levels will decrease even more over time and counties will be in worse shape than they are now.

**Q: How many jobs does this bill create?**

It's difficult to be precise when it comes to predicting jobs. However, the Oregon Department of Forestry and Oregon Forest Resources Institute estimate that every million board feet of timber harvested supports or creates about 11 jobs. This bill will generate a harvest of 300-350 million board feet per year. So, using the ODF and Oregon Forest Resources Institute estimates, that would translate to more than 3,250 jobs in timber harvesting, mills and other forest employment. The bill would increase harvests by about 150 million board feet per year, compared to the past 10 years, creating the potential for about 1,650 new jobs in O&C counties under the ODF and OFRI formulas.

Unlike alternative proposals, this legislation keeps the Western Oregon BLM in business, which employs 780 people in O&C counties.

**Q: Will these harvests be vulnerable to the same litigation and challenges that are currently blocking harvests?**

A: People have their right to their day in court, but they don't have a right to litigate over every individual tree and bring legitimate forest work to a standstill. What this bill does is prevent people from using important environmental laws solely as a way to obstruct or delay scientifically sound timber harvests and the jobs that come with them. First, this bill eliminates the controversial sales that are most likely to end up in court by prohibiting the harvest of old growth and directing agencies to offer timber sales according to ecological forestry. Second, this bill requires the environmental analysis up front and on a tight timeline. Once that analysis is done, that's it. Companies will be able to purchase timber sales for the next decade, with the certainty that they won't be challenged by a group coming in out of the blue to stop a sale.

**Q: Does the Secure Rural Schools program (county payments) go away?**

A: The uncertainty of yearly renewals must be replaced by something our rural communities can depend on for the long term. County payments has been extended for one more year and may need to be extended again. The next order of business is to create a better, permanent program that brings together resource-dependent counties from across the country and ensures that communities that produce energy, minerals, timber and other resources that benefit the entire nation are fairly compensated for the impacts of that work.

**Q: How does this bill streamline environmental reviews?**

A: It shortens the timeline to get timber sales approved. Under this bill, the BLM has to complete two Environmental Impact Statements to look at thinning and timber harvests over the next 10 years for the O&C lands within 18 months of the enactment of the bill. It lays out step-by-step how the BLM is expected to accomplish that and what components need to be included.

This bill also reduces costs by limiting the sorts of things the BLM reviews in the EIS so it isn't spending countless hours and using reams of paper studying things that aren't going to happen, just to protect themselves in court.

**Q: Will this legislation keep the remaining mills in business?**

A: If a mill goes under it won't be because of a lack of timber. By giving the BLM clear marching orders and streamlining some of the environmental review, this bill would give mills the certainty that timber volume they need to operate and invest in new equipment and new jobs is going to be there year after year.

**Q: What kinds of harvests will be allowed?**

A: The bill requires that harvests follow forestry principles developed by Drs. Norm Johnson and Jerry Franklin, two highly respected Northwest scientists. The idea is to mimic natural processes, to create healthier, more diverse forests. That means that timber harvests will retain about one-third of all trees originally in the stand and thinning projects will retain more than half of all trees originally in the stand. Harvest approaches will include mimicking natural regrowth, varied spacing, and retention of older trees. Old growth will not be harvested and cannot be counted towards the one-third retention.

## **Environmental Questions**

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**Q: Will this bill allow clearcuts?**

A: No. End of story. If Senator Wyden produced legislation that allowed cutting one acre in 10 there are folks who would put up signs calling that 10 percent a clear-cut. Folks can play with words as much as they want, but scientifically, ecologically, measuring the effects on our drinking water and wild areas, this bill does not allow clear-cuts.

**Q: Does it undermine NEPA and the Endangered Species Act?**

A: Any legislation that undercuts the Endangered Species Act (ESA) or National Environmental Policy Act (NEPA) isn't going very far in the Senate, nor should it. ESA and NEPA are two of the country's bedrock environmental laws. BLM has always had discretion in how it implements different portions of those laws. So, instead of putting these trees into a private trust and saying that NEPA doesn't apply, this bill focuses on the most efficient way to use that discretion. It tells them how they have to carry out some of these laws in a way that's a lot closer to the intent of how they were written than the endless mess of red tape that is the norm in a lot of places today.

**Q: How does this bill protect drinking water and streams?**

A: This bill creates the first concrete legislative protections for streams and watersheds on O&C lands. These are recommendations that come from scientists and from the communities who

depend on this water. The bill includes a host of provisions to ensure that water stays clean for Oregon families, endangered fish and businesses – from Medford pear farms to Eugene’s brewers.

- The bill includes four drinking water emphasis areas with extensive riparian reserves and additional lands designated for conservation to protect drinking water.
- Science guides how the agency can treat trees near streams and a scientific committee will evaluate riparian buffers and reserves in areas dedicated to timber harvests, increasing or decreasing the boundaries as needed to address the ecological importance of streams. This acknowledges that one size does not fit all.
- It requires reductions in the miles of roads and includes watershed restoration initiatives such as a million dollars annually for tree tipping into streams.

**Q: How will these harvests affect recreation?**

A: This bill will be one of the biggest boosts for Oregon’s recreation economy in years. It establishes thousands of acres of areas where recreation is the primary focus, including two new wilderness areas – spanning 87,000 acres – and two national recreation areas. It also protects the Pacific Crest Trail and creates six primitive backcountry areas.

Outdoor recreation is big business. It means 140,000 jobs in Oregon, according to the Outdoor Industry Association. So making recreation a clear priority is good for jobs in those communities that need economic diversification and good for those around the state who value these public lands.

**Q: What will the bill do for fish habitat?**

A: Strong protections for streams, water quality and fish are core values of this legislation. On top of that, it requires significant efforts to restore and improve existing habitat, including, among other things, \$1 million a year to place large logs in streams. Again, the protections in this bill for fish and streams are what the science recommended. Specifically, it means that there are substantial reserves around streams where the only activities allowed are thinning projects recommended to improve the health of forests and water quality.

## **House Bill Comparisons**

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**Q: How does this bill compare to the House bill?**

A: There is no disagreement within the Oregon delegation about the need to increase the harvest, put people back to work in the forests, provide the O&C counties with a stable source of funding and set aside areas for conservation. Senator Wyden believes we can achieve those goals without exempting those lands from bedrock environmental laws and managing public lands as if they were private, industrial forests. President Obama made it clear in his veto threat that a proposal of that kind won’t pass the Senate or be signed by this president.

Instead of eliminating the O&C Act, Wyden's bill would amend it to give BLM, for the first time, a clear mandate and specific strategy for sustainably harvesting timber on O&C lands. The Senator's philosophy is that forest policy should be based on science and our state's values, not the people with the best lawyers. That's why this bill uses ecological forestry techniques to finally break the O&C gridlock. A balanced approach to Oregon's O&C lands can pass the Senate, find support in the House, and be signed by the President – which is what O&C counties and communities require.

**Q: How do the harvest estimates compare to the House bill?**

A: There is no independent estimate of how much the House bill would increase harvests, so it's hard to compare. Nevertheless, it's fair to say that the House bill would probably lead to a bigger harvest than what Senator Wyden is proposing because giving federal forests to privately-managed trusts where bedrock environmental laws don't apply would lead to more logging. But it's clear that approach cannot pass the Congress, and the President has promised to veto that bill so that harvest increase is not something our communities can count on.

Wyden's bill would roughly double the cut on O&C lands compared to the last decade. To ensure certainty he is depending on scientists – in fact two of the scientists who were instrumental in writing the Northwest Forest Plan – to guide how that harvest should happen.

**Q: Why has this taken so long?**

A: There are some people who probably thought this wasn't actually going to happen. If you want to get a real sense of how long the O&C lands have been an issue, a douglas fir planted when the last O&C Act was signed in 1937 could be more than 130 feet tall today.

This is a complicated issue and a lasting solution has evaded us for decades, and the government shutdown while we had federal scientists and forestry experts giving their input on the bill certainly didn't help. Right now is a really critical window for passing a bill that cuts through the gridlock and solves this problem. Cutting corners to get this done quickly was never an option. Senator Wyden and his staff spent well over 5,000 hours meeting with Oregonians who would be impacted by this bill, reviewing 80 years of legal and regulatory actions, meeting with the best experts in forestry and forest policy, and writing language that would not get hung up in the courts. Senator Wyden has made this a top priority and he and his staff have been working days, nights and weekends to get this done as soon as possible, but also to produce a bill that can stand up as a lasting solution, and not something to score political points.